



# Pensions (Miscellaneous Provisions) Act 1990

## 1990 CHAPTER 7

### *Changes in the protection against adverse alterations*

- 10 Restriction on election that regulations shall not apply to persons whose service has terminated.**
- (1) In section 12 of the 1972 Act, in subsection (2)(a) (application of regulations to persons who have previously ceased to serve or died) after the words “have ceased to serve therein” there shall be inserted the words “ (whether or not they have subsequently recommenced any such service)”.
- (2) At the end of subsection (4) of that section (right of person with accrued or contingent pension rights to elect that regulations which would adversely affect him shall not so apply) there shall be added the words “ in relation to that pension except as provided by subsection (4A) below.”
- (3) After that subsection there shall be inserted—
- “(4A) If, at the coming into force of the provision mentioned in subsection (4) above, a person who makes such an election as is mentioned in that subsection is serving in an employment or office to which the regulations governing the pension apply, or if he subsequently recommences service in such an employment or office, then—
- (a) the election shall have effect in relation to the pension only to the extent that it accrues or has accrued—
- (i) by virtue of periods of service rendered before the cessation referred to in subsection (2) above (or, if there has been more than one such cessation, the last of them before the coming into force of the provision in question); or
- (ii) by virtue of contributions paid in respect of any such periods of service; and

---

**Changes to legislation:** *There are currently no known outstanding effects for the Pensions (Miscellaneous Provisions) Act 1990, Section 10. (See end of Document for details)*

---

- (b) in determining entitlement to, or the amount of, the pension to that extent, he shall (without prejudice to the application of this subsection) be treated as if he had never recommenced service in such an employment or office at any time after the cessation referred to in paragraph (a) above;
- and the provision in question shall apply accordingly.”

**Changes to legislation:**

There are currently no known outstanding effects for the Pensions (Miscellaneous Provisions) Act 1990, Section 10.